THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.15147 of 2004

Dated:31.08.2006

Between:

Y.Ramaiah and others.

…Petitioners

and

The Mandal Revenue Officer and another.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.15147 of 2004

ORDER:

The land in Survey Nos.385/1, 385/2, 386/1, 386/2 and 387/1 admeasuring Acs.5.00 each situated at Kapuluppada Village, Bheemunipatnam Mandal in Visakhapatnam District was assigned to Ex- Servicemen including one C.J.Borthwick who appears to have executed a Will in favour of R.Narayanamma. After her death the property devolved on petitioners 4 to 6, who are her sons. The first petitioner purchased an extent of Acs.5.00 of land under registered sale deed from one P.Subbarao, and another extent of Acs.5.00 was purchased by the third petitioner from B.Adimurthy. After purchase of the property, they approached the Mandal Revenue Officer for obtaining pattadar pass books and title deeds, in vain. Therefore, they filed the present Writ Petition. Apprehending that they might be dispossessed, they also prayed for an order of stay and this Court passed *status quo* order on 15.12.2004.

In the counter affidavit filed along with W.V.M.P.No.1799 of 2005, it is stated that after considering the applications made by the petitioners, the Mandal Revenue Officer by memo dated 01.01.2005 rejected the requests of the petitioners and their predecessors for grant of pattadar pass books. An application, being W.P.M.P.No.15030 of 2006 is filed seeking amendment of the Writ Petition in view of the

memo dated 01.01.2005. The same is allowed, and the matter is heard finally having regard to the fact that the petitioners' application is already rejected.

There cannot be any denial that against the order of the Mandal Revenue Officer refusing to issue pattadar pass books, an appeal would lie under Section 5(5) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, before the jurisdictional Revenue Divisional Officer. In view of this, the correctness or validity or otherwise of the memo bearing Rc.No.472/2003/ARI dated 01.01.2005 issued by the Mandal Revenue Officer cannot be gone into in this Writ Petition at this stage. Liberty is given to the petitioners to approach the Revenue Divisional Officer, Visakhapatnam, within a period of ten (10) days from the date of receipt of a copy of this order. As and when such appeal is filed, the Revenue Divisional Officer shall entertain the same and pass appropriate orders in accordance with law. This Court ordered *status quo* on 15.12.2004. However, it is stated that the land in question has already been allotted to different departments. Therefore, there shall be *status quo* as on today.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

31.08.2006
vs